



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 06598-00  
26 January 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CWO3 [REDACTED] USN(RET) [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 26 Sep 00 w/attachment  
(2) PERS-85 memo dtd 6 Dec 00  
(3) PERS-822 memo dtd 3 Jan 01  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was promoted to chief warrant officer (W-4) (CWO4) effective 1 December 1998 and was retired at that grade.

2. The Board, consisting of Messrs. Harrison and Schultz and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 25 January 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner contends that he was statutorily retired on 1 September 1998 and that his name came up on the chief warrant officer (W-4) promotion list, but that he wasn't given a chance to request continuation to be allowed to retire as a CWO4.

c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over officer promotions has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommended approval of his request for promotion to CWO4 with a date of rank of 1 December 1998 (and by implication, effective date), and they further recommend adjustment of his retirement date to 1 January 1999.

d. In correspondence attached as enclosure (3), the NPC office with cognizance over officer retirements has commented to the effect that Petitioner was statutorily retired before the results of the Fiscal Year 99 Chief Warrant Officer Selection Board by which he was selected for promotion; that he did not have an opportunity for continuation; and that if he had been afforded the opportunity for continuation, he could have retired in the grade of CWO4 effective 1 January 1999. They recommended that he be promoted to CWO4 effective 1 December 1998 and that his retirement date be adjusted to 1 January 1999 with the retired pay of CWO4.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected, where appropriate, to show he was promoted to CWO4 effective 1 December 1998; that he retired on 1 January 1999, vice 1 September 1998; and that he was retired in the grade of CWO4, vice CWO3.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

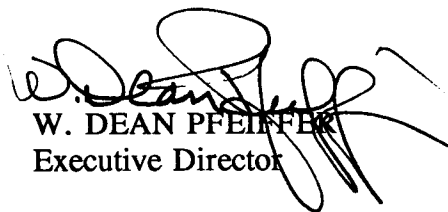
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director

**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
PERS-85  
6 Dec 00

**MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS**

Via: Assistant for BCNR Matters (PERS-00ZCB)  
Subj: CWO3 [REDACTED], USN (Ret) [REDACTED]  
Ref: (a) FY99 Officer Grade Continuation Plan  
Encl: (1) BCNR File no: 06598-00

1. Enclosure (1) is returned, recommending approval of [REDACTED] request for promotion to CWO4.
2. CWO3 [REDACTED] was selected by the FY-99 Chief Warrant Officer Promotion Selection Board as best and fully qualified for promotion to CWO4, however he was statutorily retired before the results were approved. If CWO [REDACTED] promotion had been approved by the Secretary of Defense before his statutory retirement date, he would have been continued on active duty long enough to accept the promotion and retire at the higher grade per reference (a). Due to the lengthy administrative review process to approve the board results, [REDACTED] did not have the opportunity to be continued. [REDACTED] should not be prevented from retiring at the grade he earned simply because of an administrative process.
3. Recommend BCNR grant [REDACTED] promotion to CWO4 with a date of rank of 1 December 1998 and an adjusted retirement date of 1 January 1999.

[REDACTED]  
BCNR Liaison, Officer Promotions and  
Enlisted Advancements Division

6598-00



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1811  
PERS-822  
3 Jan 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION I [REDACTED]  
USN, [REDACTED]

Ref: (a) NPC memo 5420 PERS-00ZCB of 8 Dec 00  
(b) 10 United States Code 1371

Encl: (1) BCNR file

1. Reference (a) request comments and recommendations in subject officer's case. Specifically, Petitioner requests promotion to and retirement as a CW04.
2. [REDACTED] was statutorily retired on 1 September 1998 before the results of the FY-99 Chief Warrant Officer Promotion Selection Board in which he was selected for promotion. [REDACTED] did not have an opportunity for continuation. If he would have had the opportunity for continuation and per reference (b), he could have retired in the grade of CW04 effective 1 January 1999.
3. We recommend member's promotion to CW04 effective 1 December 1998 and adjust member's retirement date to 1 January 1999 with the retired pay of CW04.
4. Enlosure (2) is returned.

[REDACTED]

Assistant Branch Head,  
Officer Retirements